

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to claims 1, 12, 18 and 19 because of the informalities recited in paragraph 9 of the Official Action.

With regard to claim 12, the Examiner argues that the same recites a parenthetical phrase at lines 3 and 4 and it is unclear if such is claimed subject matter. In response, claim 12 has been amended to include the parenthetical phrase as part of the claimed subject matter.

With regard to claim 1, the Examiner argues that the same recites "and" on line 5 thereof which is grammatically incorrect and that claims 18 and 19 have a similar error. In response, Applicants respectfully submit that claims 1, 18 and 19 are grammatically correct. Claim 1 includes two steps (displaying and setting), the last subparagraph is not another step in the method but further defines the retrieval condition setting area recited in the setting step. Similarly, claim 18 recites an apparatus having three elements (a display device, an input unit and a retrieval condition setting unit). The last subparagraph is not another element in the apparatus but further defines the retrieval condition area recited earlier in the claim. Claim 19 has a similar grammatical structure.

Further with regard to claim 18, the Examiner argues that the phrases "an input unit configured to one of set multimedia object data" and "multimedia object data one of set in and input to the" on lines 7 and 12, respectively, thereof, is poor sentence structure. The Examiner also considers claim 19 to recite similar features. Applicants respectfully submit that claims 18 and 19 recite a proper sentence structure. The objectionable phrase in claims 18 and 19 is in the form of "one of (a) and (b)" which is proper for use in claim language

according to U.S. practice and style, where (a) is “set multimedia object data in the retrieval condition setting area displayed on the display screen of the display device” and (b) is “input multimedia object data to the retrieval condition setting area displayed on the display screen of the display device.”

Accordingly, it is respectfully requested that the objection to claims 1, 12, 18 and 19 be withdrawn.

In the Official Action, the Examiner rejects claims 1-6, 9, 10, 13-15 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,751,286 to Barber et al., (hereinafter “Barber”). Additionally, the Examiner rejects claims 7, 8, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of U.S. Patent No. 5,930,783 to Li et al., (hereinafter “Li”). Furthermore, the Examiner rejects claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of U.S. Patent No. 6,748,398 to Zhang et al., (hereinafter “Zhang”). Lastly, the Examiner rejects claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of U.S. Patent No. 6,363,376 to Wiens et al., (hereinafter “Wiens”).

In response, Applicants respectfully traverse the Examiner’s rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below.

In the “Response to Arguments” section of the Official Action, the Examiner argues that the retrieval condition-setting window of FIG. 5 of Barber is a matrix within the meaning of claims 1, 18 and 19. Applicants respectfully disagree.

Applicants respectfully submit that the Examiner has failed to consider that the matrix as recited in claims 1, 18 and 19 is defined as having an independent retrieval condition set for each row and column.

The matrix of Fig. 5 of Barber has four areas, which correspond to "color", "texture", "shape" and "category". Unlike the method and apparatus recited in claims 1, 18 and 19, wherein "an independent retrieval condition is set for each row and column," the retrieval condition of Barber is independently set for each block of the matrix.

Since an independent retrieval condition is set for each row and column in the method and apparatus of claims 1, 18 and 19, the meaning of each block can be intuitively understood. Barber does not have such an advantage and does not contemplate such an advantage.

With regard to the rejection of claims 1-6, 9, 10, 13-15 and 17 under 35 U.S.C. § 102(b), a method for setting a retrieval condition when retrieving similar multimedia object data from a multimedia object database having the features discussed above and as recited in independent claim 1 is nowhere disclosed in Barber. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent claim 1 is not anticipated by Barber. Accordingly, independent claim 1 patentably distinguishes over Barber and is allowable. Claims 2-6, 9, 10, 13-15 and 17 being dependent upon claim 1 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-6, 9, 10, 13-15 and 17 under 35 U.S.C. § 102(b).

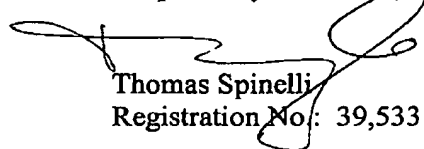
With regard to the rejection of claims 7, 8, 11, 12 and 16 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 7, 8, 11, 12 and 16 are at least allowable therewith because they depend from an allowable base claim.

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

With regard to the rejection of claims 18 and 19 under 35 U.S.C. § 103(a), independent claims 18 and 19 are not rendered obvious by the cited references because neither the Barber patent nor the Li patent, whether taken alone or in combination, teach or suggest an apparatus for setting a retrieval condition when retrieving similar multimedia object data from various multimedia object databases having the features discussed above. Accordingly, claims 18 and 19 patentably distinguish over the prior art and are allowable. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 18 and 19 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm